

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **JOSE LUIS ROSARIO PEREZ**
SSN xxx-xx-8033

CASE NO: **18-06720-BKT**

Debtor(s)

Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$232.00** Outstanding (Through the Plan): **\$2,768.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

Liquidation Value: \$0.00 Estimated Priority Debt: \$2,968.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the (amended) Plan date: **Dec 26, 2018 (Dkt 11)** **Plan Base: \$21,960.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: **0 %**

The Trustee objects to confirmation for the following reasons:

[1325(a)(6)] **Insufficiently Funded – Plan funding insufficient to pay 100% of [507] priority claims.**
[1322(d)(1)]

The minimum base needed totals approximately \$23,600.00. The insurance expense totals approximately \$2,500.00.

[1325(a)(8)] **DSO Payment Default – Debtor(s) is in default with post-petition DSO payments.**

Debtor submitted evidence of being current with post-petition DSO payments up until the month of January 2019. Debtor must submit evidence of being current with said obligation (1 account) up until the confirmation of the plan. Debtor pays such DSO via ASUME.

[1325(b)(1)(B)] **Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]**

- Fails to disclose income.

Per evidence submitted, Debtor's wife's income totals approximately \$1,542.08 versus the \$1,291.88 listed in Schedule I. Debtor must make the pertinent amendments to the Schedule and increase plan payments in light of newly discovered disposable income.

payments in light of newly discovered disposable income.

*OTHER COMMENTS/2013-15 Filed:02/28/19 Entered:02/28/19 12:19:54 Desc: Main Document Page 2 of 2

NONE.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: February 28, 2019

/s/ Nannette Godreau, Esq.

Last Docket Verified: 14 Last Claim Verified: 10 CMC: NM